IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1261 of 2005

Between:

S.Hanumanthu, S/o.S.Ramulu
R/o.16-11-16, Malakpet, Hyderabad.

..... PETITIONER

AND

1 The Assistant Secretary, Regional Transport Authority,
East Zone, Hyderabad.
2 The Motor Vehicle Inspector, SRTA,Hyderabad South

Zone,Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, especially, one in the nature of writ of Mandamus declaring the seizure of the petitioners vehicle No.ADT 7866 vide vehicle check report NO.1399282 dt.13.1.2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No.ADT 7866.

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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O R D E R:

The Writ Petition is filed by the petitioner seeking a Writ, Order or direction especially, one in the nature of Writ of Mandamus declaring the seizure of the petitioner's vehicle No.ADT 7866 vide vehicle check report No.1399282 dated 13-1-2005 as illegal, arbitrary and violative of Article 19 (1) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No.ADT 7866.

2. For violation of the certain provisions of the Motor Vehicles Act, the vehicle of the petitioner was seized. Whether the petitioner has violated any provisions of the Motor Vehicles Act, 1988 has to be determined by the authority concerned. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. So, in the in the interest of justice, the vehicle shall be returned to the petitioner on the following conditions:-

i. that he shall not alienate or transfer the vehicle,

ii. that he shall produce the vehicle as and when directed by the competent authority and

iii. that he shall pay the tax due, if any, as on today.

3. With the above direction the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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1st February, 2005

Note:-

Wire at Party's cost.

B/O

Mrb

To

1 The Assistant Secretary, Regional Transport Authority,
East Zone, Hyderabad.
2 The Motor Vehicle Inspector, SRTA,Hyderabad South

Zone,Hyderabad.

3. Two CC to G.P for Transport, High Court Buildings,

Hyderabad.

4. Two CD Copies.